

sealing the following documents based on Mr. Levandowski's designation of privilege:

Document	Portion to Be Filed Under Seal	Designating Party
Waymo's Reply in Support of Motion for Continuance of Trial Date ("Waymo's Reply")	Highlighted Portions	Anthony Levandowski (Yellow)
Declaration of David Perlson in Response to Court Order	Highlighted Portions	Anthony Levandowski (Yellow)
Exhibit 2 to Perlson Declaration	Entire document	Anthony Levandowski
Exhibit 5 to Perlson Declaration	Entire document	Anthony Levandowski

3. The yellow highlighted portions of Waymo's Reply primarily contain references to the contents of the Stroz report, which Mr. Levandowski has asserted and continues to assert is protected from disclosure under his Fifth Amendment privilege against self-incrimination under *Fisher v. United States*, 425 U.S. 391 (1975), and *United States v. Sideman & Bancroft, LLP*, 704 F.3d 1197 (9th Cir. 2013), as well as by the common interest/joint defense, attorney-client and attorney work product privileges. *See, e.g.*, Non-Party Anthony Levandowski's Motion for Protective Order, filed on September 19, 2017, Dkt. No. 1682. Certain yellow highlighted portions of Waymo's reply contain references to materials that Mr. Levandowski does not assert are protected from disclosure and do not merit sealing. These include the following yellow highlighted portions: Brief at 3:4-5, 9:11-23. Aside from the highlighted portions at 3:4-5, 9:11-23, we ask that the confidentiality of the remaining highlighted portions of Waymo's Reply be maintained until Mr. Levandowski's Motion for Protective Order is resolved.

4. The yellow highlighted portions of the Declaration of David Perlson primarily contain references to the contents of the Stroz report which Mr. Levandowski asserts are protected from disclosure for the reasons set forth above. Mr. Levandowski does not assert the following highlighted portions are protected from disclosure: Perlson Declaration at 5:3-9, 5:20-

1 25, 6:1-7. Aside from the highlighted portions at 5:3-9, 5:20-25, 6:1-7, we ask that the
2 confidentiality of the remaining highlighted portions of the Perlson Declaration be maintained
3 until Mr. Levandowski's Motion for Protective Order is resolved.

4 6. Certain yellow highlighted portions of the Declaration of David Perlson contain
5 references to materials that Mr. Levandowski does not assert are protected from disclosure and
6 do not merit sealing. These include the following yellow highlighted portions: Perlson
7 Declaration at 5:3-9, 5:20-25, 6:1-7,

8 7. Although Waymo has designated Exhibits 2 and 5 to the Perlson Declaration as
9 confidential in their entirety, Mr. Levandowski does not assert that these materials merit sealing.

10 I declare under penalty of perjury under the laws of the State of California and the United
11 States of America that the foregoing is true and correct, and that this declaration was executed in
12 Berkeley, California, on September 22, 2017.

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14 Date: September 22, 2017

Respectfully submitted,

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16 /s/ Miles Ehrlich

Miles Ehrlich
Ramsey & Ehrlich LLP

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18 *Counsel for Non-Party Anthony*
19 *Levandowski*
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